

MAR 29 2022

OSM

U.S. COURT OF FEDERAL CLAIMS

In the United States Court of Federal Claims**OFFICE OF SPECIAL MASTERS****No. 21-734V**

Filed: February 24, 2022

* * * * *

HANNAH CLARK,

Petitioner,

v.

SECRETARY OF HEALTH
AND HUMAN SERVICES,

Respondent.

* * * * *

*

*

*

*

*

*

*

*

*

*

Voluntary Dismissal; Influenza (“flu”)
Vaccine; Shoulder Injury
Related to Vaccine Administration
(“SIRVA”).*Hannah Clark, Pro se*, Botavia, OH, for petitioner.*Alexis Babcock, Esq.*, U.S. Dept. of Justice, Washington, DC for respondent.**ORDER CONCLUDING PROCEEDINGS¹****Roth**, Special Master:

On January 12, 2021, petitioner filed a petition for Vaccine Compensation in the National Vaccine Injury Compensation Program (“the Program”).² Petitioner alleged that an influenza (“flu”) vaccine she received on December 15, 2020 caused her to suffer a shoulder injury related to vaccine administration (“SIRVA”). The information in the record, however, does not show entitlement to an award under the Program.

¹ Although this Decision has been formally designated “unpublished,” it will nevertheless be posted on the Court of Federal Claims’ website, in accordance with the E-Government Act of 2002, Pub. L. No. 107-347, 116 Stat. 2899, 2913 (codified as amended at 44 U.S.C. § 3501 note (2006)). **This means the Decision will be available to anyone with access to the internet.** However, the parties may object to the Decision’s inclusion of certain kinds of confidential information. Specifically, under Vaccine Rule 18(b), each party has fourteen days within which to request redaction “of any information furnished by that party: (1) that is a trade secret or commercial or financial in substance and is privileged or confidential; or (2) that includes medical files or similar files, the disclosure of which would constitute a clearly unwarranted invasion of privacy.” Vaccine Rule 18(b). Otherwise, the whole Decision will be available to the public. *Id.*

² The Program comprises Part 2 of the National Childhood Vaccine Injury Act of 1986, Pub. L. No. 99-660, 100 Stat. 3755, codified as amended, 42 U.S.C. §§ 300aa-10 *et seq.* (hereinafter “Vaccine Act” or “the Act”). Hereafter, individual section references will be to 42 U.S.C. § 300aa of the Act.

In response to an order for petitioner to obtain counsel, petitioner advised via email that she no longer wished to pursue her claim. *See* Attachment 1. Petitioner was ordered to file a Motion to Dismiss or Notice of Voluntary Dismissal by December 2, 2021. Scheduling Order, ECF No. 14.

On November 24, 2021, petitioner advised that she mailed a Notice of Voluntary Dismissal via USPS mail. *See* Attachment 2. However, this mailing has not been received by the Court after several months.

On February 23, 2022, petitioner confirmed in a PDF and email communication to chambers, copying respondent's counsel, that she requests that her petition be dismissed. *See* Attachment 3.

Petitioner's written communication is interpreted by the Court as a notice of voluntary dismissal under Vaccine Rule 21(a). **Therefore, this case is dismissed without prejudice.**

This Order hereby notifies the Clerk of Court that proceedings "on the merits" of this petition are now concluded, but no judgment "on the merits" should be entered by the Clerk's office.

IT IS SO ORDERED.

s/ Mindy Michaels Roth

Mindy Michaels Roth
Special Master